

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

Civil No. 3:07-cv-03001

Darrel L. Burke,

Plaintiff,

VS.

Roughrider, Inc., doing business as  
Roughrider Harley-Davidson

Defendant.

**DEFENDANT’S MOTION TO DISMISS  
FOR LACK OF JURISDICTION OR  
IMPROPER VENUE, OR IN THE  
ALTERNATIVE, FOR TRANSFER OF  
VENUE**

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Pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1406 and Rule 12(b) of the Federal Rules of Civil Procedure, defendant Roughrider, Inc. hereby makes this motion to dismiss for lack of personal jurisdiction and improper venue. In the alternative, Roughrider, Inc. requests venue of this case be transferred to the United States District Court for the District of North Dakota, Southwestern Division. The basis for this motion is Roughrider, Inc. is not subject to personal

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jurisdiction in South Dakota. This motion is supported by the attached brief and all of the materials thus far contained in the record.

Dated this 26th day of January, 2007.

SMITH BAKKE PORSBORG SCHWEIGERT

By s/Scott K. Porsborg  
Scott K. Porsborg (SD State ID No. 1386)  
116 North Second Street  
P.O. Box 460  
Bismarck, ND 58502-0460  
(701) 258-0630

Attorneys for Defendant  
Roughrider, Inc., doing business as  
Roughrider Harley Davidson

**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2007, a true and correct copy of the foregoing **DEFENDANT'S MOTION TO DISMISS FOR LACK OF JURISDICTION OR IMPROPER VENUE, OR IN THE ALTERNATIVE, FOR TRANSFER OF VENUE** was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

ATTORNEYS FOR PLAINTIFF, DARREL L. BURKE:

John W. Burke  
Thomas Nooney Braun Solay & Bernard, LLP  
P.O. Box 8108  
Rapid City, SD 57709-8108  
jwburke@mtnlaw.com

By: s/ Scott K. Porsborg  
SCOTT K. PORSBORG

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